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**YOU DON'T SAY...**

"Well, I don't like tax breaks. I'm in the tax business."

*Tony Simpson, director of the local government division at the North Carolina Department of Revenue, on tax breaks for the solar industry.*

THE INSIDER, 1/30/18

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## News Summary

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### Elections Board

Gov. Roy Cooper wants the legal wheels to spin faster after the North Carolina Supreme Court tossed out laws governing the makeup of a combined state elections and ethics board, hoping that will let him seat a new elections board quickly. Cooper's private attorneys asked the justices Tuesday to hurry up formalizing last Friday's split decision that favored Cooper. The court's majority opinion said lawmakers had gone too far by requiring Cooper, a Democrat, to choose half of the members of the combined board from a list of candidates generated by the Republican Party.

Under legal rules, the justices' order doesn't get sent to the panel of three trial judges who initially heard the case until Feb. 15. Then those judges will issue their own ruling on how the majority opinion affects the challenged laws. But the governor contends that a quicker resolution is needed because candidate filing for Congress, the legislature, district attorneys and county seats starts Feb. 12. There's currently no elections board in place -- the combined board was vacant since last spring -- so formalizing the ruling could help create one sooner, Cooper lawyer Daniel Smith wrote in a brief.

The elections board can be the final arbiter in campaign finance investigations and local voting site decisions. "We need to get moving on this because filing opens very soon and it's important for us to get started," Cooper told reporters.

The lower-court judges, however, could say whether any part of the elections and ethics law can remain intact. But the governor said he believes last Friday's 4-3 decision means election and ethics board laws revert to what they were before the Republican-controlled General Assembly changed them. Under the old laws, there was a separate State Board of Elections and State Ethics Commission. The governor's party would hold three of the election board's five seats. The setup of the combined eight-member board, a majority of justices ruled last week, prevented Cooper from effective executive election laws in the way that he wanted.

The General Assembly likely would have to pass laws to conform to the decisions of the Supreme Court and the three-judge panel. Rep. David Lewis, R-Harnett, who helped shepherd the law that was the focus of the decision, said Tuesday that the Republican legislators would respond to Cooper's request to the Supreme Court as soon as possible. Earlier this week Lewis said he didn't believe what the justices wrote prevented lawmakers from trying again to combine the elections and ethics panels if they choose. He said lawmakers were meeting with their lawyers to "understand the best way to move forward."

"That option is certainly still on the table," Lewis said, adding he "would certainly expect some action by the General Assembly in the next few weeks." (Gary D. Robertson, THE ASSOCIATED PRESS, 1/30/18)

### Legislative Courtyards

The carnival atmosphere at the Legislative Building where visitors could get their blood pressure checked, grab a doughnut, and learn about state forests from displays in the indoor courtyards has ended. "Tabling" will no longer be allowed in the Legislative Building. People have been directed to use the legislative dining room instead.

Legislative Services Officer Paul Coble said the courtyards become congested, and it gets too noisy for legislators to work. The Legislative Building is not a meeting hall, he said. "We've had some

legitimate complaints from members and staff that it's getting out of hand," Coble said. (Lynn Bonner, THE NEWS & OBSERVER, 1/30/18)

## **Tractor Taxes**

If the state were to stop taxing tractors, local governments could lose out on \$17.6 million, according to a study done by the N.C. Department of Revenue. The study was commissioned as part of Senate Bill 615 -- North Carolina Farm Act of 2017. The study in whole will look at all aging farm equipment, not just tractors, and whether or not the state should exempt them in some way from being taxed. Tractors were used as the main focal point because they're one of the larger pieces of equipment farmers will have, Tony Simpson, director of the local government division of the NCDOR, told the Agriculture and Forestry Awareness Study Commission on Tuesday. The commission will be tasked with deciding if the aging farm machinery should be excluded from property taxes. If the commission chooses to exclude them, it'll have to decide if an 80 percent property tax exclusion is appropriate or not.

The exclusions would hit counties since they're the entities that collect property tax. Simpson and NCDOR reached out to all 100 counties to find out how the change would impact their revenue, but only 18 responded with data. That data showed that tractors purchased before the 1990s weren't contributing much tax revenue. In Cabarrus County, the 119 tractors on the tax rolls that were produced between 1971 and 1980 were valued at a total of \$618,208, and the tax revenue would be \$2,924. But the 143 tractors produced between 2001 and 2010, valued at \$2.3 million, would bring in \$16,033 in property taxes. Simpson said just exempting tractors from property tax would mean a revenue loss of \$17,584,362.

Rep. Jimmy Dixon, R-Duplin, noted that it would be part of the commission's purview to determine at what age the equipment would be considered aging. "If we're going to consider that it is a worthy cause to consider some type of tax relief for an aging piece of farm equipment, then we should set the age of which that begins," Dixon said. Lawmakers didn't come to a decision Tuesday about the tax exemption. They'll meet sometime in March or April to continue work on the matter. (Lauren Horsch, THE INSIDER, 1/31/18)

## **Handler's Act**

Lawmakers are determining whether the Handler's Act, which hasn't been updated since 1994, needs to be changed for more modern times. The act is meant to protect North Carolina farmers against unfair trade practices, and pertains to those who handle fresh fruits or vegetables, including those who purchase or transport produce. In 2017, 19 companies obtained a permit through the act, which are requested through the N.C. Department of Agriculture and Consumer Services and covers only written contracts. In order to get a permit, handlers must provide two copies of a blank contract including any related requirements for growers and a notarized letter of bonding. The state does not charge a fee for the permit. Neighboring states like Virginia and South Carolina do charge for the permit. The state does fine someone \$25 if they're found without a permit.

Sen. Brent Jackson, R-Sampson, noted that while only 19 companies have received a permit, it's widely known that there are more than 19 companies handling produce. "I think the catch is, 'written contract,'" Jackson said. "The other states do not require written contracts and they pretty much cover all handlers whether they're based in state or out-of-state." He pointed out that if the Handler's Act isn't updated, the state could be inadvertently penalizing those 19 companies, while others aren't participating at all. The Agriculture and Forestry Awareness Study Commission voted on Tuesday to have the agriculture department's marketing division -- which helps oversee the act -- determine if the act needs to be expanded like in neighboring states or if it needs to be retired. (Lauren Horsch, THE INSIDER, 1/31/18)

## **Duke Hearing**

Duke Energy customers lashed out at the utility's plans to hike rates in the Charlotte region during a public hearing Thursday night in front of a regulator weighing the company's request. People packed



a courtroom at the Mecklenburg County Courthouse, many of them blasting Duke's proposal to raise bills by 13.6 percent on average for residential, commercial and industrial customers. The biggest increase would be borne by residents, whose rates would rise 16.7 percent under Duke's first rate proposal for central and western North Carolina since 2013. Ratcheting up the frustration is Duke's plan to have ratepayers cover high costs connected to the company's coal ash storage sites. Of the \$647 million Duke is seeking from customers, about \$336 million is tied to coal ash. Critics on Tuesday bashed Duke over the fact that more than half the proposed increase in bills is intended for ash costs, including to close ash sites -- which state lawmakers ordered Duke to shutter after a 2014 ash spill into the Dan River.

"If the commission assigns these costs to the people of North Carolina, it is the equivalent of rewarding Duke for negligent management," Charlotte resident Brian Kasher said at the North Carolina Utilities Commission hearing. "The commission should not reward Duke for failing to undertake proper due diligence, maintenance and care on its coal ash repositories," he said. Other customers said the higher rates would be hard to afford for people on fixed incomes. Among those raising concerns Tuesday about higher bills was the North Carolina AARP. In a statement, the organization said it has been hearing from older adults across the state who are deeply concerned about the impact of a large rate hike.

Earlier in the day, protesters held a rally outside Duke's headquarters tower on South Tryon Street. Some held signs that said "No rate hikes for dirty energy" and "We don't want to pay for Duke's pollution." Luis Rodriguez, a Charlotte-based member of the Beyond Coal Campaign, also said Duke was aware of the risks that came with coal ash. "They are clearly culpable," he said.

The North Carolina Utilities Commission, which has final authority over the rate request, has held public hearings throughout the state as part of the process for evaluating such requests. Next month, the commission is scheduled to hear from Duke representatives and other experts before issuing a ruling.

Duke meanwhile has continued to defend its request, which also includes increasing customer bills to recoup costs the company said it has incurred to modernize the state's electric grid and make it more reliable. As for coal ash, Duke has noted that its shareholders, not ratepayers, will bear the costs of coal ash fines and cleanup costs from the Dan River spill. Duke spokesman Jeff Brooks told the Observer Tuesday the company was looking forward to what customers would say at the hearing, which he called an important part of the rate-making process. (Deon Roberts, THE CHARLOTTE OBSERVER, 1/30/18)

## **Highway Patrol Response**

The head of the North Carolina State Highway Patrol reportedly got in a physical confrontation with a reporter who was asking about behavior by some high-ranking troopers that a state audit had previously called wasteful and potentially dangerous. Last year a state audit identified high-ranking Highway Patrol officers who were commuting long distances from their homes to their work stations, in a violation of agency policy. At the time, the new administration under Democratic Gov. Roy Cooper blamed the previous administration under Republican Gov. Pat McCrory. But just days after that audit came out, Cooper's new Highway Patrol commander, Glenn McNeill, exempted some high-ranking state troopers from the commuting policy that the state's other 1,600 troopers are supposed to follow, Charlotte TV station WBTV reported. Reached Tuesday, State Auditor Beth Wood's spokesman Brad Young said: "We stand by the content of our report and do not have any further comment at this time."

The report focused on eight troopers, most of whom lied about their living situation, according to the report. The WBTV report uncovered the exemptions McNeill issued after the audit. The TV station's video shows WBTV reporter Nick Ochsner following McNeill through a parking lot asking him questions. McNeill then brushes past Ochsner to get on an elevator. When Ochsner starts to follow him in, McNeill puts a hand on his chest and blocks him, telling him "stay back" five times. After Ochsner tells McNeill not to touch him and reminds him the elevator is public property, McNeill lets

him in and the questioning continues.

WBTV characterized the incident as a "shove." NC Department of Public Safety spokeswoman Pam Walker said: "It is clear in the video, the colonel did not shove the reporter." Walker said McNeill's boss, Public Safety Secretary Erik Hooks, was out of the office Tuesday and unable to comment. However, she said, Hooks "is confident that the colonel is appropriately enforcing the Highway Patrol's policies and regulations."

In his WBTV interview, McNeill defended the change in policy, saying that the people he exempted from the commuting rules "have statewide duties and responsibilities."

The 2017 audit found several troopers who were driving more than 100 miles on their commute, even though agency policy prohibited anyone from living more than 20 miles from their duty station. WBTV reported at least one of the people McNeill later gave an exemption has an even longer commute: Captain James Wingo, who lives in Asheville but works nearly 250 miles away in Raleigh. According to WBTV, Wingo justified his extensive travel in his state-owned vehicle by saying he makes traffic stops and helps respond to wrecks while on his commute -- but public records show it's been almost three years since he last issued a ticket in any of the counties he drives on or near his commute, WBTV reported. McNeill told the station that Wingo does things that don't show up in public records, like helping people change flat tires. (Will Doran, THE NEWS & OBSERVER, 1/30/18)

## **Southern Education**

Resources: [Accelerating the Pace: The Future of Education in the American South](#)

North Carolina and other Southern states need to quickly do more to improve K-12 education as the number of "disadvantaged students" increases in the region's public schools, according to a new report. "Accelerating the Pace: The Future of Education in the American South," a report released Tuesday, found that student achievement has increased significantly overall in the South in the past several decades. But the report found that Southern states must deal with historic inequities in education -- student performance varies widely by race and income -- that hold back many parts of the region.

To improve education, the report found that states need to get the South's finest to become teachers, give students the support they need, strengthen students' ability to go to college or get a job after high school and match resources with students' needs. "We can't ignore the fact that the South and North Carolina lag behind the rest of the nation in school funding," said Keith Poston, president and executive director of the Public School Forum of North Carolina, a nonpartisan advocate for better schools. "It shows up in many ways."

The report from the Columbia Group, a network of seven Southern nonprofit organizations that includes the Public School Forum, also includes polling data of registered voters. The first annual Education Poll of the South found strong support from voters to improve the state of K-12 education in the region. The poll found that 85 percent of voters say states should take action to correct differences in the quality of education within the state, and 84 percent say their states should adjust school funding to ensure greater fairness between wealthy and poor communities. The percentages were even higher to both questions for voters from North Carolina. "In North Carolina, this is a critical time to talk about school funding as the General Assembly begins its work on possibly overhauling school funding," Poston said.

The report provides common ground across the political spectrum on issues such as improving teacher recruitment efforts and looking at how schools are funded and how money is spent, according to Terry Stoops, vice president of research for the John Locke Foundation. "This is a report that those on the left and the right will be receptive to," he said.

"North Carolina has certainly been a leader in the last 20 to 30 years, but there are states making bigger gains right now," Poston said. "Tennessee has been making some achievement gains in recent

years, but all of us are seeing issues where gaps with lower-income students are widening." (T. Keung Hui, THE NEWS & OBSERVER, 1/30/18)

## **GenX Testing**

Reverse osmosis. Granular activated carbon. Ion exchange. These are all terms that have become increasingly familiar to the residents of Southeastern North Carolina during the past eight months, as they and the utilities that provide their drinking water grapple with questions about GenX and other emerging contaminants. While Cape Fear Public Utility Authority's (CFPUA) testing -- which has been funded by the state -- is being watched closely by neighboring utilities, Brunswick County has decided to forge ahead with additional tests because of its plan to expand the Northwest Water Treatment Plant from 24 million to 36 million gallons per day. John Nichols, the director of Brunswick County Public Utilities, said, "We are going to use the data that CFPUA is doing -- they're doing a pilot test on GAC (granular activated carbon) and ion exchange. We're going to use that data. For us, we're filling in the gaps as we see it."

Earlier this month, the Brunswick County Commissioners agreed to a \$600,000 contract with CDM Smith of Raleigh to review prior studies and also conduct new ones looking at the effectiveness of different treatment options. The CDM Smith contract is entirely funded by the county, unlike CFPUA's studies, which was funded in part by a \$100,000 appropriation from the state set out in House Bill 56. CFPUA has tested GAC and ion exchange technologies, finding that GAC treats PFOS and other "legacy compounds" more effectively than shorter-chain contaminants such as GenX. Among the treatment options, CDM Smith will test for effectiveness with emerging contaminants is low-pressure reverse osmosis -- a technology CFPUA is not testing. (Adam Wagner and Makenzie Holland, WILMINGTON STAR-NEWS, 1/30/18)

## **Saving Target**

North Carolina government's top fiscal analysts have officially set a goal for the state's rainy-day reserve fund that once met should help fill large shortfalls encountered during most recessions. A law approved last year requires a set percentage of annual revenue growth be transferred to the reserve, which already has more than \$1.8 billion. The law directs the state budget office and the legislature's Fiscal Research Division to come up with an annual target. That target is a percentage of the previous year's revenues -- meaning for now reaching the goal would require increasing the fund by roughly \$700 million over time. State Budget Director Charlie Perusse told legislators in a memo the target percentage may change over time as revenue data increase. (THE ASSOCIATED PRESS, 1/30/18)

## **Superintendent Hire**

North Carolina Superintendent of Public Instruction Mark Johnson has hired a new senior policy adviser for his office. This marks the third position he has created and hired from a \$700,000 fund of taxpayer money, which lawmakers granted him to add staff to his office. Erika Berry will begin the job on Feb. 5 and make \$80,000 a year, according to the superintendent's office. She previously worked as director of external affairs for RePublic Schools in Jackson, Miss., education policy adviser for the lieutenant governor of Mississippi, executive director of the Mississippi Charter Schools Association, advocacy coordinator with the Mississippi Coalition for Public Charter Schools and as a middle school math teacher in Charlotte. In a statement, Johnson said he is excited to have Berry join the team. "Her experience both in education and in public policy will make her a valuable addition. Having been a teacher in North Carolina will give her an excellent perspective as we work to help every North Carolina student succeed," Johnson said. The superintendent previously hired a community outreach coordinator at \$72,346 a year and an administrative assistant at \$38,867 a year with the \$700,000 appropriation. Johnson has previously said he also plans to hire a chief of staff and a chief innovation officer, but it's unclear when he will make those hires. He has declined to say what other positions he may create. (Kelly Hinchcliffe, WRAL NEWS, 1/30/18)

## **Pipeline Challenge**



A coalition of conservation groups has gone to court to challenge federal regulators' decision to approve the proposed Atlantic Coast Pipeline. The groups announced Tuesday that they had filed a petition with the 4th U.S. Circuit Court of Appeals in Richmond contesting the Federal Energy Regulatory Commission's decision to permit the approximately 600-mile natural gas pipeline. Opponents of the pipeline, which would run through West Virginia, Virginia and North Carolina say the agency's approval process is flawed and didn't adequately determine the true need for the project. Lead developer Dominion Energy has said FERC conducted an exhaustive and thorough review. The commission has a standing policy not to comment on court cases. The Southern Environmental Law Center and Appalachian Mountain Advocates filed the lawsuit on behalf of 11 conservation groups. (THE ASSOCIATED PRESS, 1/30/18)

## **Class Sizes**

Rep. Scott Stone, R-Mecklenburg, and Sen. Dan Bishop, R-Mecklenburg, are both North Carolina legislators who have children in Charlotte-Mecklenburg Schools, tried to set up meetings with principals in their district this week. The topic: the controversial state mandate to reduce the size of K-3 classrooms. Stone and Bishop say their fact-finding was interrupted by an email from Charles Jeter, a former GOP legislative colleague who now works for CMS.

"CMS prefers any such meetings regarding members of the NCGA (and other elected bodies) to be conducted by myself and other members of (Superintendent Clayton) Wilcox's staff as necessary. Our goal here is simply to ensure the consistency in message of the district goals," Jeter's email said. Jeter offered to meet with Stone in place of the meetings Stone had requested with principals at Polo Ridge, Ballantyne and Providence Spring elementary schools. The three schools are in the south Charlotte area Stone and Bishop represent.

Both legislators said this week that the district's interference makes it harder to speak for Charlotte's schools, which often face different issues than those in rural areas many of their colleagues represent. "It would be nice if we could all talk to each other without chaperones and without barriers," said Bishop. "I need to be able to have those principals on speed dial," said Stone, who serves on the House K-12 Education Committee. "We need to be advocates and allies. They're trying to make us adversaries."

The relationship between CMS and the state legislature is already complicated. Democrats dominate the school board, while Republicans hold a strong majority in the state. CMS supervises principals and teachers, but the state provides most of the money for their salaries.

Jeter, who voted for the stricter limits on K-3 class enrollment when he was a legislator, recently joined the chorus of district officials, PTA leaders, teacher and parents calling for the state to reverse course. They say a strict class-size cap will force elementary schools to hire more K-3 teachers and find classrooms for them. (Ann Dodd Helms, THE CHARLOTTE OBSERVER, 1/30/18)

## **Prison Attack**

The deadliest attack in North Carolina prison history began in a sewing plant where staff shortages and glaring security failures allowed inmates to roam freely with easy access to dangerous tools. Those findings are detailed in a 78-page report by the National Institute of Corrections, an arm of the U.S. Department of Justice. The recently released report found a litany of problems at Pasquotank Correctional Institution, where four employees were fatally attacked during an Oct. 12 escape attempt. Prison staff, according to the federal report, had allowed inmates to wander through doors that should have been locked and had let them turn a stock room into a "hiding place" concealed from security cameras. Inmates even checked out their own tools -- including hammers and scissors with six-inch blades. Meanwhile, no one at the eastern North Carolina prison was watching surveillance cameras that monitored the sewing plant.

"How is it allowed to spiral downward to such a level where these sorts of everyday things, the common sense things, were being neglected, that safety was just taken for granted?" asked Rep.

Bob Steinburg, R-Chowan. According to the federal report, an inmate at the sewing plant -- not a prison staff member -- routinely issued tools to his fellow prisoners. The tools were kept in unlocked cabinets and the inmates were allowed to use them without direct supervision. Last week's federal report outlines a series of prison safety failures at both Pasquotank and Nash Correctional Institution, which both had industrial plants that were staffed by inmates and run by Correction Enterprises. After the attacks, state Department of Public Safety Secretary Erik Hooks suspended more than 250 violent offenders from Correction Enterprises jobs that involve potentially dangerous tools. He also prohibited those convicted of violent crimes against government officials and law enforcement officers from being assigned to such jobs.

Sen. Shirley Randleman, R-Wilkes, who co-chairs a legislative committee that oversees the prisons, said her panel will likely discuss the report in a future meeting. The committee's other co-chairs -- Rep. Jamie Boles and Ted Davis -- did not return phone calls. "It appears from what I could see that this is much more troubling than I ever suspected," said Steinburg, who serves on the committee. "The levels of carelessness are extremely disturbing." (Gavin Off and Ames Alexander, THE CHARLOTTE OBSERVER, 1/30/18)

## **Robinson Move**

Sen. Gladys Robinson, D-Guilford, has moved to downtown Greensboro to stay within the boundaries of Senate District 28 now that it has been redrawn to repair racial disparities. Robinson, said Monday that her former residence -- which is between High Point and Greensboro -- has been cut out of District 28 and placed in District 27 on the new election map, which was redrawn at the request of a federal panel. District 27 is served by Sen. Trudy Wade, R-Guilford. If Robinson had stayed, she might have been forced to face Wade in the upcoming fall election. Robinson said Monday that she will declare her candidacy for re-election when filing opens Feb. 12. No other candidates have said they will run in District 28. "I've decided to follow my constituents, and the majority of my constituents are in Greensboro," she said. (Richard M. Barron, THE GREENSBORO NEWS & RECORD, 1/29/18)

## **Wilmington Film**

The state film industry is in a better place than a year ago, when statewide grant funding was set to expire, perceived discriminatory legislation was still the law and the Port City had only one production on the schedule for 2017. But even with those hurdles in the past, the region is still waiting to feel the benefits of legislative changes that many hoped would bring about a swift end to the film drought. Now a month into 2018, no major productions have signed onto film in the state.

Still, Bill Vassar, executive vice president of EUE/Screen Gems Studios in Wilmington, which hosted the second season of TNT's "Good Behavior" last year, said interest in North Carolina is higher than it has been in some time. "We are in contact with all studios and major productions companies," he said. "We have more interest now than we've had in a year."

Vassar joined Wilmington Regional Film Commission director Johnny Griffin and N.C. Film Office director Guy Gaster on a trip to the West Coast recently to tell potential clients of where the state stands. Gaster said the pitch in these meetings is simple: re-educate the industry at large about the state's film resources since it dropped off some of their radars during incentive battles and HB2 uproar. "We shot ourselves in the foot for a little bit," he said. "Our main message is to remind people we are open for business and we have an incentive. Once they do grasp it and understand it, it's about finding the right project to come in." (Hunter Ingram, WILMINGTON STAR-NEWS, 1/30/18)

## **Duck Blind Dispute**

Authorities say a man assaulted a cousin of Gov. Roy Cooper and a North Carolina wildlife official, ranted at them with slurs and threats and accused them of hunting in his duck blind. The Hyde County Sheriff's Office said 29-year-old Jarrod Thomas Umphlett faces multiple charges, including assault with a deadly weapon with intent to kill. An incident report says Umphlett's boat rammed a boat carrying John Clark Purvis Sr. and Wildlife Resources Commission member Richard Edwards on



Dec. 16. The impact knocked Edwards over, according to the report. Umphlett boarded the boat, hit Purvis in the back of the head with his fist, also hit him on the shoulder and yelled racial slurs multiple times, the report said. All three men are white. The report says Umphlett threatened to "crush your skull in this lake."

Purvis told deputies he pointed his shotgun at Umphlett to get him to stop his attack. The report said Purvis was bruised and had a bump on his head but was not seriously injured. The men also said as they were leaving the lake that Umphlett told them he would kill them if they came back, according to the report. The sheriff's office said Umphlett was also charged in a similar incident Dec. 27 when he and another man confronted a man and his son on the same lake. The report on that incident said Umphlett again used racial slurs even though the man and his son were white. The man said the harassment continued until he and his son left to hunt at a different location. (THE ASSOCIATED PRESS, 1/30/18)

## **MS-13 Deportation**

When Maria Velasquez' son was 10, he was forced to act as a messenger for the violent gang MS-13 in Honduras, according to documents filed in federal court this week in Charlotte. The boy, now 14, knew that some of the envelopes he carried contained money, which he guessed was connected to the gang's extortion or drug operations. He and his mother fled to the United States. After crossing the border, Velasquez applied for asylum for herself and her son, who isn't named in court documents due to his age. An immigration judge denied her application, and the 4th U.S. Circuit Court of Appeals declined to hear her appeal. Velasquez and her lawyers are trying to reopen the case, but she has been ordered to report for deportation -- on Wednesday, at 9 a.m. Her attorneys filed for an emergency stay Monday and had not gotten a response by midday Tuesday.

"Ms. Velasquez will be murdered if she returns to Honduras," the court filing said. "(Her son), if he is not murdered, will be forcibly kidnapped and compelled to live a life of crime in service to MS-13." They are particularly afraid of the 14-year-old boy's paternal uncle, a local leader in MS-13. The uncle is childless and is "grooming" Velasquez' son for the gang because of their family connection, the documents said.

People seeking asylum due to gang violence in Central America have had a particularly difficult time in Charlotte, where immigration cases are decided for North and South Carolina, according to a July 2017 story from The Marshall Project and The Washington Post. The three Charlotte-based immigration judges decided 1,295 asylum cases on their merits between fiscal year 2012 and fiscal year 2017, according to Syracuse University's Transactional Records Access Clearinghouse. They granted asylum in 18 percent of those cases. Nationwide, immigration judges granted nearly half of asylum claims during the same period. (Jane Wester, THE CHARLOTTE OBSERVER, 1/30/18)

## **Blue Cross Network**

Medical-equipment supplier Aeroflow will be out-of-network with Blue Cross Blue Shield of North Carolina starting next month after failing to strike a resolution with the insurance provider on a reimbursement issue. Blue Cross NC told the Citizen-Times this week Aeroflow leaves the network on Feb. 12. Unless a new agreement is reached, out-of-network rates will then apply for Blue Cross NC policyholders when they need medical equipment such as wheelchairs, CPAP machines or breast pumps from Aeroflow. That usually means policyholders will pay higher co-payments and face higher deductibles than they would if it were in-network. Blue Cross NC declined further comment on the situation citing "potential litigation regarding disputed billing practices." Aeroflow, which is based in Asheville, said in a statement the company has been working for months with BCBSNC "to resolve some insurance reimbursement issues," but "unfortunately to date, a resolution has not been reached." The company is a supplier of medical equipment and services ranging from power wheelchairs to back, knee, wrist and ankle braces to portable oxygen concentrators. (Dillon Davis, ASHEVILLE CITIZEN-TIMES, 1/30/18)

## **Pipeline Preparation**

Trees will begin falling this week in Robeson and Cumberland counties to make room for the Atlantic Coast Pipeline, a Dominion Energy spokesman said Monday. The work along the pipeline's proposed route is a result of receiving the Federal Energy Regulatory Commission's approval on Jan. 19 to begin felling trees and clearing vegetation in upland areas. Upland areas exclude wetlands, bodies of water and other areas that require additional federal approval. The North Carolina Department of Environmental Quality approved in December the erosion and sediment control permit for the southern portion of the route, which includes Robeson, Cumberland and Sampson counties, said Aaron Ruby, Dominion's Media Relations manager. The agency approved the state's water quality certification for the project on Friday.

"Having received all necessary approvals, we will begin limited tree felling and vegetation clearing in Robeson and Cumberland counties this week," Ruby said. "Work will begin in the northern portion of the route once we receive our erosion and sediment control permit for those counties." The route's northern portion includes Northampton, Halifax, Nash, Wilson and Johnston counties.

Tree felling will continue through the end of March, Ruby said. Per Federal Energy Regulatory Commission requirements, all trees will remain along the right of way until the remaining federal approval to clear trees and begin other construction work is received. "Once we receive those approvals, we'll take the final step of requesting from FERC a Notice to Proceed with full construction, which we expect by early spring," Ruby said. (Aaron Ruby, THE ROBESONIAN, 1/30/18)

## **Ocracoke Gas**

Ocracoke's only gas station is out of operation. The fuel provider for Ocracoke Station, located in the island village, shut off the pumps after owner Sean Death was unable to pay the bills, said Hyde County manager Bill Rich. The station was badly damaged by Hurricane Matthew flooding, and Death just returned Sunday from a hospital stay, he said. Death has spent his money making repairs as he awaits payment from his insurance company, Rich said. "We're making a huge effort to get him open again," Rich said. Locals will have to catch the ferry to the mainland in Hatteras, Swan Quarter or Cedar Island to refuel. Emergency vehicles on the island have full tanks and can get fuel as needed from the mainland. (Jeff Hampton, THE VIRGINIAN-PILOT, 1/29/18)

## **Duke Solar**

Duke Energy added about 500 megawatts of new solar energy capacity in 2017--with an energy output roughly equal to what 90,000 homes would use in a year. Overall, Duke Energy has around 2,500 megawatts of solar capacity connected to its energy grid in the state, which is produced by itself and other companies statewide. "For the past three years, Duke Energy's effort to deliver solar energy to our customers has led North Carolina to be the No. 2 solar state in the nation," Rob Caldwell, president of Duke Energy Renewables and Distributed Energy Technology, said. "Even better is we expect a lot more growth over the next few years."

Caldwell added a major part of that growth will be HB 589, or the Competitive Energy Solutions for North Carolina law, which was enacted in summer 2017. Under the law, Duke Energy will add roughly 3,000 megawatts of new solar capacity over the next few years. It will also offer \$62 million in rebates to customers who want to install private solar systems and allow larger customers to secure renewable energy. (THE (Concord) INDEPENDENT TRIBUNE, 1/30/18)

## **Asheville Airport**

The Asheville Regional Airport said Tuesday it saw the most annual passengers in its history in 2017 with 956,634 passengers. It is the fourth consecutive year the airport has broken its record for passenger utilization, up more than 15 percent from 2016 totals and 50 percent higher than in 2012. Lew Bleiweis, the airport's executive director, said the Asheville airport has seen a sustained period of growth in the past few years, but called 2017 "especially significant."

"The airlines expanded their services with larger planes and more seats and frequencies to existing destinations, and a new airline and route was also added," Bleiweis said in a news release. The

airport attributes the record to expanded services offered by airlines servicing it, most notably by United Airlines, which recorded an 87 percent increase in seats on the market there compared to 2016. It primarily hosts five airline chains: American, Allegiant, Delta, Elite and United. (Dillon Davis, ASHEVILLE CITIZEN-TIMES, 1/30/18)

## **Vaping Threat**

Army medical leaders said Tuesday that a rash of North Carolina troops being hospitalized for serious medical issues believed to have been caused by vaping oils is a priority. The remarks come one day after the U.S. Army Public Health Center issued a public health alert stating that approximately 60 soldiers and Marines in the state experienced serious medical issues after using e-cigarettes or vaping products that were marketed as containing cannabidiol, or CBD, oil. The cases occurred over the course of a few weeks. "We consider this emerging public health threat a top priority, and the Army Public Health Center continues to monitor this issue and provide updates as new information becomes available," said Chanel S. Weaver, a spokeswoman for the center. Most of the hospitalized troops have been treated at the Naval Medical Center at Camp Lejeune, officials said. Nine of the suspected cases have been treated at Womack Army Medical Center on Fort Bragg. Service members have reported headaches, nausea, vomiting, palpitations, dilated pupils, dizziness, disorientation, agitation and seizures, officials said. Those are all symptoms associated with synthetic cannabinoids. (Drew Brooks, THE FAYETTEVILLE OBSERVER, 1/30/18)

## **Buncombe Investigation**

From books about organizational leadership to artwork to three iPhones, former Buncombe manager Wanda Greene used credit card information from her two assistants to spend thousands of dollars on retail purchases. Records obtained by the Citizen-Times show county procurement cards assigned to Tiffany Mila White and Rachel Norton paid for more than \$84,000 in purchases over a 3 1/2-year period. More than three-quarters of the charges went toward retail purchases, and over half of the total expenditures paid for gift cards. Bought in bulk with as much as \$4,500 spent in a single visit, the gift cards were given to county commissioners "for outside office supplies," records show that Greene and White indicated in a memo. Commissioners who served during that time deny they were ever given gift cards.

The records' release marks the first time Buncombe officials have released the history of purchases made by cards assigned to White and Norton. The county previously denied a records requests by the Citizen-Times, citing an ongoing criminal investigation of Greene. They were released after the newspaper challenged the legality of using an investigation as the reason for keeping public records from the public. (Jennifer Bowman, ASHEVILLE CITIZEN-TIMES, 1/30/18)

## **Chancellor's Residence**

The East Carolina University chancellor said Monday that his institution has more important things to focus on than the distractions created by the search for a new residence. Chancellor Cecil Staton said that he and his wife were informed on their arrival in Greenville that the trustees thought that work on their residence, the Dail House, would not be completed until June of 2016. The renovations turned into a much bigger proposition than anyone imagined at the time, and the Statons have been living in temporary housing for 19 months, he said. Staton said he has been concerned about some of the things he has read implicating that he has had a role in the renovation decision process and the subsequent search for a new residence. "I am not a part of this process. I'm a bystander," he said. "I have intentionally not gotten involved in it. This is something the trustees and the ECU Foundation have to decide." He declined to offer an opinion about the suitability of any piece of real estate, citing the need for privacy because of the sensitive nature of such pursuits but said the board's real estate committee did seek his opinions about what an ECU chancellor's residence ought to provide and accomplish. (Michael Abramowitz, THE (Greenville) DAILY REFLECTOR, 1/30/18)

## **Mill Sale**



The KapStone Paper and Packaging Corporation will be coming under new ownership, and it isn't the first time the Roanoke Rapids-based mill has seen a change of hands. The WestRock Company announced Monday morning it and KapStone have signed a definitive agreement where WestRock will acquire all outstanding shares of KapStone. "KapStone is a great fit with WestRock. Their complementary corrugated packaging and distribution operations will enhance WestRock's ability to serve customers across our system," said Steve Voorhees, chief executive officer of WestRock in a statement released Monday. Roanoke Rapids Mayor Emery Doughtie expressed anticipation about what direction the new management will take. "I know that this mill throughout its history has been a good profit center for the different companies that have owned it," Doughtie said. "I think that's a high credit to the employees and management of our mill here in Roanoke Rapids." Before it was KapStone, International Paper owned the mill until 2007. And before International Paper was Champion International Paper, which owned the mill until 2000. The mill first opened in 1906 as the first kraft mill in the South. (Khai Hoang, THE (Roanoke Rapids) DAILY HERALD, 1/30/18)

## Deaths

A man who was the guiding force of The McDowell News throughout the decade of the 1970s has died. Gene Fowler, former president of Great Southern Media Inc. and publisher of The McDowell News from 1969 until 1982, died Monday at Mary Washington Hospital in Fredericksburg, Virginia at the age of 91. Fowler took over the newspaper from former owner-publisher John W. Setzer, who had overseen operations since 1944. Fowler came to Marion from Spartanburg, S.C., where he had been classified advertising manager for the Spartanburg Herald-Journal with previous newspaper experience in Michigan, Tennessee, Ohio, Washington, D.C., Georgia and Florida. David Setzer, who would himself become publisher of The McDowell News, was advertising director from 1969 until 1972, working closely with Fowler. "He took a liking to McDowell County and Marion and to the people of the community," Setzer, now retired, said on Tuesday. "He was energetic and outgoing and quickly became a part of the community." (McDOWELL NEWS, 1/30/18)

## Correction

A story about Hurricane Matthew grants in Tuesday's Insider misspelled the name of Kasey Ginsberg, disaster relief program officer for the N.C. Golden LEAF Foundation. (THE INSIDER, 1/31/18)

## House Calendar

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### Thursday, Feb. 1

House Convenes at 12:00 p.m.

- No Bills Scheduled.

## Senate Calendar

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### Friday, Feb. 2

Senate Convenes at 10:00 a.m.

- No Bills Scheduled.

## Legislative Studies and Meetings

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Items in **RED** are new listings.

**LB:** Legislative Building

**LOB:** Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

### **Tuesday, Jan. 30**

- 12 p.m. | Select Committee on Disaster Relief, 544 LOB.
- 10:30 a.m. | The Social Services Regional Supervision and Collaboration Working Group (2017), UNC School of Government / Rooms 2401 & 2403.

### **Wednesday, Jan. 31**

- 10 a.m. | The Joint Legislative Task Force on Education Finance Reform (2017), 544 LOB.

### **Thursday, Feb. 1**

- 10 a.m. | The Joint Legislative Oversight Committee on Information Technology, 544 LOB.

### **Monday, Feb. 5**

- 1 p.m. | House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, 544 LOB.

### **Tuesday, Feb. 6**

- 9 a.m. | The Joint Legislative Oversight Committee on General Government, 544 LOB.
- 10 a.m. | The Joint Legislative Education Oversight Committee, 643 LOB.
- 10 a.m. | Child Fatality Task Force Meeting, 1027/1128 LB.
- 11 a.m. | The Permanency Innovation Initiative Oversight Committee, 421 LOB.
- 12:30 p.m. | The Committee on Intellectual and Developmental Disabilities (LRC)(2017), 415 LOB.
- 1 p.m. | The Joint Legislative Commission on Energy Policy, 544 LOB.

### **Wednesday, Feb. 7**

- 10 a.m. | The Joint Legislative Oversight Committee on Unemployment Insurance, 544 LOB.
- **1 p.m. | House Select Committee on Implementation of Building Code Regulatory Reform, 544 LOB.**

### **Thursday, Feb. 8**

- 9 a.m. | The Joint Legislative Transportation Oversight Committee, 643 LOB.
- 10 a.m. | The Joint Legislative Oversight Committee on the North Carolina State Lottery, 643 LOB.
- 1 p.m. | The Joint Legislative Economic Development and Global Engagement Oversight Committee, 643 LOB.

### **Monday, Feb. 12**

- 9 a.m. | Joint Legislative Oversight Committee on Health and Human Services, Subcommittee on Aging, 423 LOB.
- 1 p.m. | The Joint Legislative Program Evaluation Oversight Committee, 544 LOB.

### **Tuesday, Feb. 13**

- 10 a.m. | Child Fatality Task Force Meeting - Unintentional Death Prevention Committee, 1027/1128 LB.

### **Wednesday, Feb. 14**

- 1 p.m. | The Environmental Review Commission, 643 LOB.

### **Thursday, Feb. 15**

- 10 a.m. | The Committee on Private Process Servers (LRC)(2017), 423 LOB.

### **Monday, Feb. 26**

- 1 p.m. | The Joint Legislative Program Evaluation Oversight Committee, 544 LOB.

### **Wednesday, March 7**

- 10 a.m. | Child Fatality Task Force Full Meeting, 1027/1128 LB

## **N.C. Government Meetings and Hearings**

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Items in **RED** are new listings.

### **Wednesday, Jan. 31**

- 6 p.m. | The N.C. Division of Marine Fisheries' Blue Crab Fishery Management Plan Advisory Committee meets, N.C. Department of Environmental Quality's Washington regional office, 943 Washington Square Mall, Washington.

### **Thursday, Feb. 1**

- **9:30 a.m. | The UNC Enrollment Funding Model Task Force meets, Board Room of the UNC Center for School Leadership Development, 140 Friday Center Dr., Chapel Hill.**
- 1 p.m. | The N.C. Commercial Fishing Resource Funding Committee meets, at the Department of Environmental Quality's Washington Regional Office, 943 Washington Square Mall, Washington.

### **Monday, Feb. 5**

- 10 a.m. | The Wildlife Resources Commission WRC Headquarters holds public hearing on proposed rule changes, Town Hall, 700 Sunset Blvd., Sunset Beach.

### **Tuesday, Feb. 6**

- **9 a.m. | The N.C. Council of State meets, Commission Room 5034, located on the fifth floor of the Administration Building, 116 West Jones St., Raleigh.**
- 10 a.m. | The Wildlife Resources Commission WRC Headquarters holds public hearing on proposed rule changes, 1751 Varsity Dr., Raleigh.

### **Monday, Feb. 12**

- 1 p.m. | The Child Care Commission of DHHS holds public hearing on proposed rule changes, Dix Grill, Employee Center, 1101 Cafeteria Drive, Raleigh.

### **Wednesday, Feb. 14**



- 9 a.m. | The Real Estate Commission holds public hearing on proposed rule changes, 1313 Navaho Drive, Raleigh.
- 6 p.m. | The N.C. Marine Fisheries Commission accepting public comment on proposed changes to commercial fishing license, Blockade Runner Beach Resort, 275 Waynick Blvd., Wrightsville Beach.

#### **Thursday, Feb. 15**

- TBD | The N.C. Wildlife Resources Commission holds public hearing on Fishing, Hunting & Game Lands Regulations, Haywood Community College, 185 Freeland Dr., Clyde.

#### **Wednesday, Feb. 21**

- 10 a.m. | The Irrigation Contractors' Licensing Board holds public hearing on proposed rule changes, State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh.
- TBD | The N.C. Wildlife Resources Commission holds public hearing on Fishing, Hunting & Game Lands Regulations, Elkin High School, 334 Elk Spur St., Elkin.

#### **Thursday, Feb. 22**

- TBD | The N.C. Wildlife Resources Commission holds public hearing on Fishing, Hunting & Game Lands Regulations, Western Piedmont Community College, Moore Hall Leviton Auditorium, 1001 Burkemont Ave., Morganton.

#### **Wednesday, Feb. 28**

- 10:30 a.m. | The Standard Commercial Fishing License Eligibility Board to the N.C. Division of Marine Fisheries, N.C. Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City.
- 6 p.m. | The N.C. Division of Marine Fisheries holds public hearing on proposed shellfish leases in Pender County, Surf City Visitor's Center, 102 North Shore Dr., Surf City.

#### **Friday, March 2**

- 10:30 a.m. | The Dept. of Commerce's Industrial Commission holds public hearing on proposed rule changes, Room 240, 2nd Floor, Department of Insurance, Albemarle Building, 325 North Salisbury St., Raleigh.
- 2:30 p.m. | The Dept. of Commerce's Industrial Commission holds public hearing on proposed rule changes, Room 240, 2nd Floor, Department of Insurance, Albemarle Building, 325 North Salisbury St., Raleigh.

#### **Tuesday, March 6**

- 10 a.m. | The Department of Health and Human Services/Secretary holds public hearing on proposed rule changes, Dorothea Dix Park, Williams Building, Room 123B, 1800 Umstead Drive, Raleigh.

#### **Tuesday, April 24**

- 9 a.m. | The state Appraisal Board holds public hearing on proposed rule changes, North Carolina Appraisal Board, 5830 Six Forks Road, Raleigh.

### **UNC Board of Governors**

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Board Room of the UNC Center for School Leadership Development  
140 Friday Center Drive, Chapel Hill (**remote meeting locations in RED**)  
More Information: <https://www.northcarolina.edu/bog/schedule.php>

### **Friday, March 23**

- TBA | UNC Wilmington, Wilmington.

### **Friday, May 25**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

## **N.C. Utilities Commission Hearing Schedule**

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Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina  
More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

### **Monday, Feb. 5**

- Staff Conference
- 7 p.m. | E-100 Sub 147 ...2016 Biennial Integrated Resource Plans and Related 2016 REPS Compliance Plans, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, Feb. 12**

- Staff Conference

### **Monday, Feb. 19**

- Staff Conference
- 2 p.m. | E-7 Sub 1146 ...Application for General Rate Case, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, Feb. 26**

- Staff Conference

### **Monday, March 5**

- Staff Conference

### **Tuesday, March 6**

- 10 a.m. | G-40 Sub 145 ...Petition for Annual Review, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, March 12**

- Staff Conference
- 1 p.m. | E-2 Sub 1149 ...Complaint of Fresh Air XXIV, LLC, Fresh Air XXIII LLC and Fresh Air XXXVIII, LLC, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, March 19**

- Staff Conference

### **Monday, March 26**

- Staff Conference

## **N.C. Dept. of Environmental Quality**

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The N.C. Dept. of Environment and Natural Resources has a new name - the N.C. Dept. of Environmental Quality. More Information: <http://portal.ncdenr.org/web/guest/home>

### **Tuesday, Feb. 6**

- 6 p.m. | The Division of Air Quality holds public hearing on proposed changes to air quality rules, 217 West Jones St., Raleigh.

### **Thursday, Feb. 8**

- 6 p.m. | The Division of Air Quality holds public hearing on proposed changes to air quality rules, 201 South Main St., Kannapolis.
- 6 p.m. | Rescheduled public hearing on proposed shellfish leases in New Hanover County, N.C. Department of Environmental Quality Regional Office, 127 Cardinal Drive Extension, Wilmington. Contact: Michael Graven, 252-808-8061, Michael.Graven@ncdenr.gov.

## **Other Meetings and Events of Interest**

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Items in **RED** are new listings.

### **Thursday, Feb. 1**

- **9:30 a.m. | The N.C. Department of Agriculture and Consumer Services is hosting a free event for farmers and agribusinesses during the annual Southern Farm Show, Holshouser Building, State Fairgrounds, Raleigh.**

### **Monday, March 19**

- TBD | The N.C. Chamber hold annual meeting, Raleigh Marriott Crabtree Valley, 4500 Marriott Dr, Raleigh.

### **Monday, June 11**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor begins, local county Board of Elections.

### **Monday, June 18**

- 12 p.m. | Candidate filing for all Judicial Offices begins, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, June 29**



- 12 p.m. | Candidate filing for all Judicial Offices ends, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, July 6**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor ends, local county Board of Elections.

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